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PTO/SB/05 (11-00)

Approved for release through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. 38-10(15493)D

First Inventor BUSH

Title Plant Polymorphic Markers and Uses Thereof

Express Mail Label No.

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☐ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 75]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets ]
5. Oath or Declaration [Total Pages ]
  - a. ☐ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for a continuation/divisional with Box 18 completed)
  - i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

## ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☒ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☒ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☒ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☒ Statements verifying identity of above copies

## ACCOMPANYING APPLICATIONS PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☒ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: \_\_\_\_\_

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No: \_\_\_\_\_ / \_\_\_\_\_  
Prior application information: Examiner \_\_\_\_\_ Group / Art Unit: \_\_\_\_\_

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 17. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

(Insert Customer Number or Bar Code label here)

or ☐ Correspondence address below

Name	David R. Marsh Arnold & Porter				
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Country	US	Telephone	(202) 942-5000	Fax	(202) 942-5999

Name (Print/Type)	David R. Marsh/June E. Cohan	Registration No. (Attorney/Agent)	41,408/43,741
Signature			Date
			March 12, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

jc685 U.S. PTO



03/12/01

**ARNOLD & PORTER**

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March 12, 2001

NEW YORK  
DENVER  
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LONDON

A

***Box Patent Application***

Assistant Commissioner for Patents  
Washington, D.C. 20231

Re: U.S. Continuation-in-Part Application based on Attorney  
Docket No. 04983.0206.CPUS01/38-21(15493)C filed  
October 20, 2000  
Application No.: To Be Assigned  
Filed: March 12, 2001  
Title: Plant Polymorphic Markers and Uses Thereof  
Inventors: David F. BUSH *et al.*  
Atty. Docket: 38-10(15493)D

11046 U.S. PTO  
09/803736  
03/12/01

Sir:

The following documents are forwarded herewith for appropriate action by the U.S.  
Patent and Trademark Office:

1. Utility Patent Application Transmittal (PTO/SB/05);
2. U.S. Continuation-in-Part Application entitled:

**Plant Polymorphic Markers and Uses Thereof**

and naming as inventors:

**David F. BUSH, Steven D. ROUNSLEY, and Roger C. WIEGAND**

the application consisting of:

- a. A specification containing:
  - (i) 69 pages of a description prior to the claims;
  - (ii) 5 pages of claims (23 claims); and
  - (iii) a one (1) page abstract;
3. Three (3) CD-ROMs containing the sequence listing;
4. Two (2) CD-ROMs containing Table A;

5. Statement Regarding Sequence Submission;
6. Form PTO/SB/35 (Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i));  
and
7. Two (2) return postcards.

This application is being filed without an executed Declaration, and without payment of official fees.

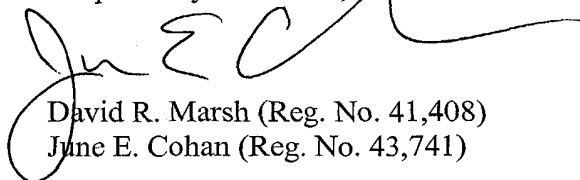
This application is a continuation-in-part of application serial number [unassigned] filed October 20, 2000 (identified as Atty. Dkt. No. 04983.0206.CPUS01/38-21(15493)C), and a continuation-in-part of application serial number 09/534,859 filed March 29, 2000.

Submitted herewith are a sequence listing on CD-ROM (two copies) and a sequence listing Computer Readable Form (CRF) on CD-ROM, in compliance with 37 C.F.R. §§ 1.52(e), 1.77, and 1.823 (as amended in 65 Fed. Reg. 54603).

Five CD-ROMs accompany this transmittal letter: two copies of a sequence listing (Seq. Listing: Copy 1, Seq. Listing: Copy 2), a sequence listing CRF, and two copies of Table A (Table: Copy 1, and Table: Copy 2). Seq. Listing: Copy 1 and Seq. Listing: Copy 2 are identical to each other and to the sequence listing CRF. All three sequence listing CD-ROMs each contain one file called "pa\_00337.rpt" which is 155,220,001 bytes in size (measured in MS-DOS) and was created on March 8, 2001. Table: Copy 1 and Table: Copy 2 are identical to each other, and each CD-ROM contains one file called "TABLE A 15493D.txt" which is 3,315,038 bytes in size (measured in MS-DOS) and was created on March 7, 2000. All CD-ROMs are in IBM-PC machine format, and are MS-DOS and MS-Windows compatible.

It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other, prepaid postcard, be stamped with the filing date and unofficial application number and returned as soon as possible.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)  
June E. Cohan (Reg. No. 43,741)

Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

David F. BUSH *et al.*

Appln. No.: To Be Assigned

Filed: March 12, 2001

For: Plant Polymorphic Markers and Uses  
Thereof

Art Unit: To Be Assigned

Examiner: To Be Assigned

Atty. Docket: 38-10(15493)D

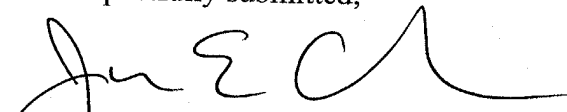
Statement Regarding Sequence Submission

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

In accordance with 37 C.F.R. § 1.821(f), the compact disk copies of the Sequence Listing and the computer-readable copy of the Sequence Listing submitted herewith in the above-mentioned application are the same.

Respectfully submitted,

  
David R. Marsh (Reg. No. 41,408)  
June E. Cohan (Reg. No. 43,741)

Date: March 12, 2001

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09030303-03030303

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor David F. BUSH

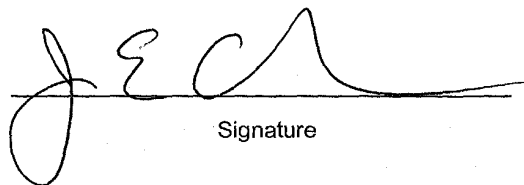
Title Plant Polymorphic Markers and Uses Thereof

Atty Docket Number 38-10(15493)D

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

March 12, 2001

Date



Signature

June E. Cohan (Reg. No. 43,741)

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.